

REMARKS

The rejection of Claims 1, 9, 11, and 13 under 35 U.S.C. §103 as being unpatentable over Wamsley et al. in view of Cornett is respectfully traversed.

With regard to Claim 1, Wamsley's "turret" 17 is not rotatably affixed to the "body" 19, rather they are threadably engaged via screw threads 18. Even though Wamsley states that a user can loosen the threads to rotate the tubular portion 17, doing so would rendered the device inoperable for more than one reason.

First, Wamsley's clamp collar 34 must hold the laser tube 10 in place relative to the putter head, as best seen in his Figs. 2 and 3, otherwise the tube 10 could easily rotate in the collar and become misaligned, especially when the club is being swung. However, Wamsley does not disclose anything about how the collar grips the tube to hold it in place, except as follows:

"As seen in Fig. 1, the first tubular portion 17 is provided with shoulders 39 which abut on the lower edge of the collar 34, and the end 40 of the second tubular portion 19 abuts against the upper surface of the collar 34." Col. 5, lines 18-21.

From the above quote it is clear that it is the friction created when the collar's lower and upper edges respectively abut the laser tube's shoulders (29 and 40) that affixes the laser tube 10 in relation to the clamp's collar 34. This is corroborated by Wamsley's express statement that it is the threadable engagement of the tubular portions, 17 and 19, between the cylindrical ring, i.e., collar, 34 that secures the laser tube to the attachment means 23" i.e., the shaft clamp. See col. 4, lines 6-10.

What happens if a user loosens the threads 18 even slightly to rotate tubular portion 17? The answer is clear, the friction created by the abutment between the collar's edges and the laser tube's shoulder's 39 and 40 is removed or substantially reduced, thus allowing the laser tube to inadvertently rotate within the collar and become misaligned, especially when the club head is moved. In reality it cannot be said that the tubular portion 17 is "axially affixed" to the tubular portion 19 because any axial adjustment of 17 in a direction that loosens the threads 18 renders the device inoperable, and therefore applicant's claim 1 is not obvious in light of Wamsley.

Second, if the tubular portions 17 and 19 are tightened to the point that shoulders 39 and 40 abut the collar 34, as described by Wamsley as necessary to secure the laser tube 10 in the collar, there is no further adjustment that can be made in the direction of tightening the threads. In other words, the only rotational adjustment that can be made is in the direction of loosening the threads, but applicant's claim 1 is not limited to being rotatably affixed in only one direction. Moreover there is nothing disclosed in Wamsley that even suggests axial adjustment in either direction and therefore applicant's claim 1 is not obvious in light of Wamsley.

Another point to be made in support of claim 1 is that Wamsley's arm 33, it is simply a solid shaft secured at one end to plate 35 by threaded shaft 38. Its method of connection at the other end to the collar 34, which encircles the aiming unit 10 is not disclosed. But more importantly, there is no indication or suggestion that the arm is rotationally articulated in any way. It is shown as a single, solid piece, having no articulable joints. Whereas, applicant's arm is disclosed in detail in Figures 4A-C and described fully in the specification (Page 10, line 11 - page 13, line 21) and is clearly articulated since it is comprised of segments united by a rotational joint. As the term is used in applicant's specification and original claims, Wamsley's arm is not "articulated."

Also, Wamsley's arm 33 is not attached to the shaft by the clamp 31. As shown in Fig. 5, the arm is attached to plates 35, 36 by shaft 38. The clamp is held onto the shaft independently by screws (Figs. 2 & 4). The plates are secured to the clamp's dovetail fitting 48 by shaft 37. Unlike Wamsley, applicant's clamping mechanism holds the arm onto the club's shaft so there is no offset between the axis of the arm and the shaft. For these reasons, Wamsley does not disclose a device comprising features contained in claim 1.

With regard to claim 11, Wamsley's arm is not articulated and is not clamped to a putter's shaft. The remarks made above regarding claim 1 are applicable to claim 11 and are incorporated herein by reference as though set out in full. Additionally, shaft 38 merely affixes the arm to the plate 35 and does not lock or clamp it to the shaft. Further, there is no teaching, suggestion or motive in Wamsley that the arm can in fact be clamped and locked to the shaft. Nothing in Wamsley makes the locking and clamping of applicant's arm to the shaft obvious. However, it is clear from applicant's invention that means for locking and clamping the arm to

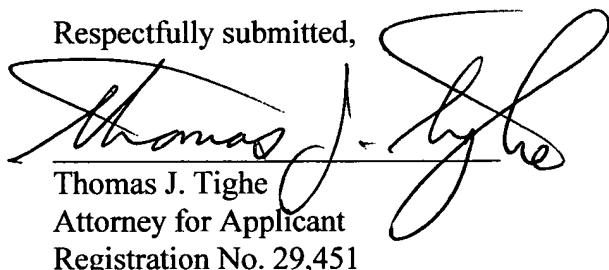
the shaft is a major improvement over Wamsley. But, there is nothing in Wamsley that points the way toward applicant's locking and clamping of the arm to the shaft.

For these reasons Wamsley does not disclose or make applicant's locking and clamping of the arm to a putter's shaft obvious and as such, does not make claim 11 unpatentable.

With respect to claims 9 and 13, these claims have been cancelled.

It is believed the application is now in a condition for allowance, and reconsideration of this application is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas J. Tighe".

Thomas J. Tighe
Attorney for Applicant
Registration No. 29,451

Thomas J. Tighe, Esq.
6265 Greenwich Drive, Suite 103
San Diego, California 92122-5916
Telephone: (858) 450-1881
Facsimile: (858) 450-1898